

United States District Court
for
SOUTHERN DISTRICT OF CALIFORNIA **FILED**

08 FEB 26 AM 9:56

U. S. A. vs. CUNNINGHAM, BENJAMIN MANUEL

Docket No. 08CR0286BTM-004
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Petition for Modification on Conditions of Pretrial Release

DEPUTY

Comes now Irene Pflaum Pretrial Services Officer presenting an official report upon the conduct of defendant, Benjamin Manuel Cunningham, was placed under pretrial release supervision by the Honorable Louisa S. Porter sitting in the court at San Diego, on the 10th day of January, 2008, under the following conditions:

Restrict travel to Southern District of California; restrict travel to Central District of California with no travel to Mexico; report for supervision to Pretrial Services Agency (PSA) as directed by the assigned Pretrial Services Officer, not possess or use any narcotic drug or other controlled substance as defined in 21 U.S.C. § 802, without a lawful medical prescription; not possess any firearm or other dangerous weapon or explosive device; provide the court with a current residence address and telephone number prior to release from custody and keep it current while the case is pending; and actively seek and maintain full-time employment, schooling, or combination both.

On February 5, 2008, the conditions were modified requiring the defendant reside with his brother, Juan Cunningham.

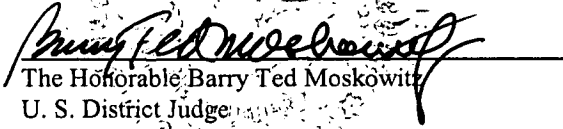
RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

1. On February 7, 2008, during the defendant's initial office visit, the defendant stated he used marijuana several times a day, up to and including the day of his arrest. This information was not known at the time the bond conditions were addressed. The defendant, Assistant U.S. Attorney Carla Bressler, and defense counsel, Michael Messina are not opposed to the modification.

PRAYING THAT THE COURT WILL MODIFY THE CURRENT CONDITIONS OF RELEASE AND ORDER THE DEFENDANT TO SUBMIT TO TESTING AND/OR TREATMENT FOR DRUG OR ALCOHOL ABUSE AS DIRECTED BY PRETRIAL SERVICES.

ORDER OF COURT

Considered and ordered this 25th day of
February, 2008, and ordered filed and made
a part of the records in the above case.


The Honorable Barry Ted Moskowitz
U. S. District Judge

I declare under penalty of perjury that the foregoing is
true and correct.

Executed on: 2/20/08

Respectfully,


Irene Pflaum, U.S. Pretrial Services Officer

Place San Diego, California

Date February 20, 2008